

7/14

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NML CAPITAL, LTD.,	:	03 Civ. 8845 (TPG)
	:	05 Civ. 2434 (TPG)
Plaintiff,	:	06 Civ. 6466 (TPG)
	:	07 Civ. 1910 (TPG)
	:	07 Civ. 2690 (TPG)
v.	:	07 Civ. 6563 (TPG)
	:	08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 3302 (TPG)
	:	08 Civ. 6978 (TPG)
Defendant.	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
	:	
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EM LTD.,	:	
	:	
Plaintiff,	:	
	:	
	:	
v.	:	03 Civ. 2507 (TPG)
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Defendant.	:	
	:	
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**DECLARATION OF HERMANN GREVE IN SUPPORT OF MOTION TO QUASH  
THE PLAINTIFFS' SUBPOENA DIRECTED TO NON-PARTIES  
JAIME CARUANA AND THE BANK FOR INTERNATIONAL SETTLEMENTS**

Pursuant to 28 U.S.C. § 1746, I, Hermann Greve, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

**Background**

1. I am the Secretary to the Board for the Bank for International Settlements (the "BIS," or the "Bank"), a position I have held since 1 January 2000. The position reports to the

Board's Chairman in substance. The position includes the provision of advice to the BIS Chairman and the Chairmen of BIS Board committees and the preparation for, and follow-up to, Board-related meetings.

2. In my position as Secretary to the Board, I am familiar with the organization, management, and operations of the BIS.

**Organization and Management of the BIS**

3. Created by treaty in 1930, the BIS is an international organization which fosters international monetary and financial cooperation and serves as a bank for central banks. To that end, the BIS acts as a forum to promote discussion and policy analysis among central banks and within the international financial community, a center for economic and monetary research, a prime counterparty for central banks in their financial transactions, and an agent or trustee in connection with international financial operations.

4. The Bank's customers are central banks, monetary institutions and international organizations. The BIS does not accept deposits from, or provide financial services to, private individuals or corporate entities.

5. Fifty-six central banks or national monetary authorities are members of the BIS. Each of them is entitled to vote on matters at the BIS's annual General Meeting. The BIS is entirely owned by its central bank members and does not have any private shareholders.

6. The BIS is led by a Board of Directors, which meets at least six times each year and currently consists of 19 members. The governors of the central banks of Belgium, France, Germany, Italy, and the United Kingdom, and the chairman of the Board of the Governors of the United States Federal Reserve, are members ex officio, and may each appoint one additional board member from their home countries (one such seat presently being vacant). Governors of

up to nine additional member central banks may be elected to the board, with eight such seats filled at present.

7. The BIS is managed on a day-to-day basis by a management team, which is led by General Manager Jaime Caruana.

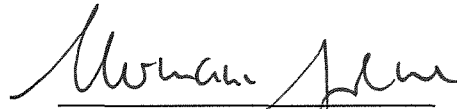
8. The BIS is headquartered in Basel, Switzerland, and maintains representative offices in Hong Kong and Mexico City. The BIS has no offices, employees, or general agents for service of process in New York; neither owns nor leases any real property in New York; has neither sought to be nor is licensed to do business in New York; and does not advertise or solicit business in New York.

**Subpoenas Served on BIS Officials While Visiting the United States on IMF Business**

9. Upon information and belief, in addition to Mr. Caruana, two members of the BIS Board of Directors were served with subpoenas in the Washington, D.C., area while en route to or attending the annual meetings of the International Monetary Fund (the "IMF") and the World Bank Group. BIS Director Philipp Hildebrand, governor of the Swiss National Bank, was served with a subpoena on October 6, 2010, while BIS Chairman Christian Noyer, governor of the Bank of France, was served with a subpoena on October 8, 2010.

10. Copies of the subpoenas served on Mr. Hildebrand and Mr. Noyer are attached as Exhibits A and B, respectively.

Dated: October 18, 2010  
Basel, Switzerland

  
Hermann Greve

LEGALIZATION

I, the undersigned, Dr. Benedikt A. Suter, Elisabethenstrasse 15, Basel (Switzerland), Notary Public in the Canton of Basel-Stadt (Switzerland), do hereby certify that the signature on the reverse side is that of Mr Dr. Hermann Bernhard Greve, German citizen, domiciled in Riehen (Switzerland), he and his signature personally known to me, the notary.

B A S E L, this 19<sup>th</sup> (nineteenth) day of October 2010 (two thousand and ten)

*Dr Benedikt Suter*

*Notar*

## APOSTILLE

(Hague Convention of October 5<sup>th</sup>, 1961)

1. Country: Switzerland (Schweiz/Suisse)

This official document

2. is signed by *Dr. iur.*

*B. Suter*

3. in his/her function as *notary public*

4. and certified by the seal of the

*above mentioned*

Certified

5. in Basel (Bâle)

6. on *19. Okt. 2010*

7. by the State Chancery of the Canton of Basel-Stadt .....

8. no. *6831/14137*

9. Seal /stamp:

10. Signature:

*H. Lauener*

Hanna Lauener

Leg. Prot. *2010/718*

